

FIAB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Opposers: Coty Cosmetics Inc. and
Coty US LLC,

Attorney Ref. No.: 18179-204

12-02-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #70

vs

Opposition No.: _____

Application: 75/909,038

Filing Date: January 18, 2000

Applicant BKI Holding Corporation

Published for Opposition: October 23, 2001

Mark: **AIRSPUN**

BOX TTAB – FEE

CERTIFICATE OF MAILING Under 37 CFR § 1.8

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

I certify that this paper is being deposited with the U.S. Postal Service as First Class Mail with sufficient postage addressed to Box TTAB – Fee, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on November 19, 2002.

Paula S. Cunningham
Name: Paula S. Cunningham

NOTICE OF OPPOSITION

Sir:

Coty Cosmetics Inc. and Coty US LLC, both with offices at One Park Avenue, 4th Floor, New York, New York 10016, believe that they will be damaged by the registration of the mark of Serial No. 75/909,038 in International Class 3 and hereby oppose its registration.

Opposers are informed and believe that BKI Holding Corporation (hereinafter “Applicant,”) is a corporation duly organized and existing under the laws of the State of Delaware, and which maintains its principal place of business at 300 Delaware Avenue, Suite 900, Wilmington, DE 19801, and is the current Applicant of Intent-to-Use Application No. 75/909,038 for the mark **AIRSPUN**.

Opposer believes that it is being, and will continue to be, damaged by registration of the mark, **AIRSPUN**, Application No. 75/909,038 in International Class 3, over Opposers’ **AIRSPUN** mark, Registration No. 1,063,684, and hereby oppose the same.

As grounds for the opposition, it is alleged that:

12/12/2002 TSMITH 00000030 023954 75909038

01 20:40P 300.00 CR

Notice of Opposition to:
AIRSPUN, USSN 75/909,038

Opposers have adopted and used the mark **AIRSPUN** continuously at least as early as March 21, 1935, and in commerce which Congress may regulate at least as early as March 21, 1935, prior to any use of Applicant's **AIRSPUN** mark in International Class 3.

Opposers' **AIRSPUN** mark has been used in commerce for face powder prior to Applicant's filing date of its **AIRSPUN** mark for its claimed goods of: Pre-moistened wipes and towelettes for cosmetic use in International Class 3.

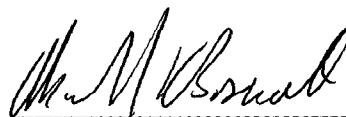
The Applicant's claimed goods appear sufficiently related to those previously used by the Opposers, under the same mark, as to create a likelihood of confusion with the Opposers' mark.

WHEREFORE, registration by Applicant of the aforesaid trademark for the aforesaid goods will be damaging to Opposers, Opposers request that the Opposition be sustained.

Opposers herewith submits the Notice of Opposition in triplicate and the Commissioner is hereby authorized to charge Deposit Account 02-3964 for \$300.00 to cover the filing fee for the Notice of Opposition. The TTAB is authorized to charge any additional fees or credit any payment to Deposit Account 02-3964. A duplicate of the transmittal letter authorizing the payment of this fee is enclosed for this purpose.

Respectfully submitted,

Date: 19 November, 2002



Michael K. Bosworth, Reg. No. 28,186
Oppenheimer Wolff & Donnelly LLP
P.O. Box 10356
Palo Alto, CA 94043
(650) 320-4000
Attorneys for Potential Opposers

OPPENHEIMER

OPPENHEIMER WOLFF & DONNELLY LLP

1400 Page Mill Road
Palo Alto, CA 94304

650.320.4000
Fax 650.320.4100

Direct Dial: (650) 320-4104
E-Mail: MBosworth@oppenheimer.com

TELETYPE UNIT AND
FAX

02 DEC 17 AM 9:30

Brussels New York
Geneva Orange County
Los Angeles Paris
Minneapolis Silicon Valley
oppenheimer.com

November 19, 2002

12-02-2002

U.S. Patent & TMOfr/TM Mail Rcpt Dt. #70

Box TTAB - FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Re: Notice of Opposition
Coty Costmetics Inc. and Coty US LLC vs
BKI Holding Corporation
Applicant's Mark: **AIRSPUN** (USSN 75/909,038)
Our File No.: 18179-204

CERTIFICATE OF MAILING Under 37 CFR § 1.8

I certify that this paper is being deposited with the U.S. Postal Service as First Class Mail with sufficient postage addressed to Box TTAB - Fee, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on November 19, 2002.

Paula S. Cunningham
Paula S. Cunningham

Dear Sir:

Please find enclosed:

1) NOTICE OF OPPOSITION, in triplicate.

Please acknowledge receipt of these materials by stamping the date on the enclosed, stamped self-addressed card.

FEE AUTHORIZATION: The TTAB is hereby authorized to charge the Notice of Opposition Fee of \$300.00 to our Deposit Account 02-3964 as required by §2.6(a)(17). The Commissioner is also authorized to charge any additional fees or credit any overpayment to Deposit Account 02-3964. A duplicate copy of this letter is enclosed for this purposes.

Respectfully submitted,

Michael K. Bosworth

Michael K. Bosworth
Registration No.: 28,186

MKB:psc
Enclosures